# United States District Court

MIDDLE

DISTRICT OF \_

PENNSYLVANIA

LABORERS LOCAL UNION 158, LABORERS LOCAL UNON 158 HEALTH AND WELFARE FUND and LABORERS LOCAL UNION 158 PENSION FUND,

Plaintiffs,

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

1:01-CV-0983

Judge Kane

V.

VIRBITSKY CONSTRUCTION COMPANY, INC. and THOMAS VIRBITSKY,

Defendants.

TO: (Name and Address of Defendant)

FILED HARRISBURG

SEP 1 8 7001

See Complaint.

MARY E. D'ANDREA, Per DEPORTO C.

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

TRA H. WEINSTOCK, P.C. 800 North Second Street Harrisburg, PA 17102

an answer to the complaint which is herewith served upon you, within <u>twenty (20)</u> days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Mary E. D'Andrea, Clerk CLERK <u>June 4, 2001</u>

DATE

BY DEPUTY CLERK

George T. Gardner

## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RETURN OF SERVICE OF PROCESS

	No 158 at al	1-01-07-0993	
PLAINTIFF _	No. 150, et al. Co	URT CASE NUMBER 1:01-CV-0983	
DEFENDANT	Company, Inc., et al.	PE OF PROCESS Summons & Complaint	
CEDVE	• • •	mpany, Inc.	
	e individual, company; corporation, et		
(14dill)	marviada, company, corporation, co	c. to be served)	
AT	R. R. #1, Box 83E, Forest	City, PA, 18421	
	(Show Address)		
SPECIAL INS	TRUCTIONS OR OTHER INFORM	ATION REGARDING SERVICE	
<u> </u>	· · · · · · · · · · · · · · · · · · ·		
	<u>CERTIFICATE OF</u>	SERVICE	
I HEREBY CE	ERTIFY THAT:		
I have t	personally served individual, company	v or corporation above.	
	· · · · · · · · · · · · · · · · · · ·	state law to the individual, company or	
	ation above. Appropriate state law aut		
<del></del>	If certified ma	ail was authorized, attach green cards to this	
form.			
	legal evidence of service, described ur	ider Remarks and attached hereto.	
`	iciliary service, Substituted service.)		
I am ur	nable to serve the process. (See Rema	IKS) v Virbitaky	
NAME OF FE	CRSON SERVED: Mol1	Officer	
YDDDESC MY	TEDE SERVED. RR#1, Box	Officer 83E Forest City, PA. 18421	
ADDICESS W	HERE SERVED.		
	TIME OF PERSONAL SERVICE:	Corp serve on 8/31/2001 8:40AM	
		Robert F. Harris	
	Date	Cianatana of Dunanasa Comus	
	9/5/2001	Signature of Process Server Robert F.	H
RETURN TH		H THE ORIGINAL SUMMONS FORM TO:	
1201014111		F COURT, U.S. DISTRICT COURT	
		assigned judge is located. Refer to the	
	Notice of Judicial Assignmen		

### AFFMAVIT OF PROCESS SERMER

20010820113908

1. In the matter of	age, being duly sworn, co	•	_	_	, aspects and says	
i. In the matter of	<u> </u>		ABORERS LOCAL PLANTIFF / PETIT		<u>-</u>	vs
			VIRBITSKY CONST			
Docket / Case # 1010	:V 0983	l served	DEFENDANT / RESF VIRBI	TSKY CONSTRUC	TION COMPANY IN	IC
with		SUMN	MONS,COMPLAINT	NAME OF PERS	ON / ENTITY	
	<u> </u>		PE OF PROCESS		<del></del>	
by serving		VIRBITSKY	CONSTRUCTION C	OMPANY INC		
			ON SERVED / ENTITY	SERVED		
accepted by	Molly	Virbitsk	<u>y</u>		Officer	
☐ athome ☐ atplac		ACCEPTING PROC	E55		TITLE	
RR#1BOX 83 E FOR						
		£	LABORERS L	OCAL UNION 158	IRA WENSTOCK E	isq.
On 8/31/2001 DATE	at8:40AM	_ for		PLAINTIFF / ATT	ÖRNEY	·
2. Pursuant to the fol						
	npleted in accordance	with R 4:4-3(	a)			
	npleted in accordance	,	•	ment of Servic	e is attached)	
	npreted in accordance h, careful inquiry and (	•	• • •		•	upon the
persons / entitie		good dingent a	allempis, i was u	Hanie to ellect	personal service	apon are
□ Unknown at add	<u></u>	oved, left no fo	anuard			
☐ Address does n		•	d not answer dog	\r		
☐ Service cancelle		-	d not answer doc			
Service was attempted						
Octation was attempted	DATE		DATE	TIME	,	TIME
	ss confirmed as place ] Landlord [ ] Post O	of□ abode				
3. I completed the ab	ove service in the folio	owing manner:	:			
☐ Personal Service	e: by serving to the na	amed persons	or entities the pi	rocess with a tr	ue copy, R 4:4-4	(a).
	copy/copies with a co					
☐ By leaving	copy/copies at the def	fendant's plac	e of business, wi	th a person au	thorized to accep	ot, R 4:4-4(a)(1).
Deletionable	Ago	Say Dana	Lloight	' "Majabt	lhe Heir	
	Age \$			-		,
Malled Service:	By certified (RRR) and					tta alaa d
	eceipt attached D O sching coples of the pr					
being served.	cring copies or the pr	Ocess III a coi	nspicuous manin	er to the admer	ss or me persons	i enuies
Total Sand	ce / Individual / Proprie	etorshin: by se	erving a taue con	v of the proces	s to the nerson r	amed below
	vith R 4:4-4(a)(6) or R		ж. т	, p. 55	- 15 1.10 po- 15.11	
်နို့ ြို့် ်နိုင်erving a copy o		, ,, ,				
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၌ ေင့္ခြဲြ Person in ch	arged of the Register					", 145 lbs.
	ace of business autho wledgement: by obtain	iriz <i>e</i> a to accep	) [, (Local 4/8 vs., Barron does mont of earlyi	Holding) (	rown hair	, ESQ.,
Attorney acknown ackno	vith R 1:5-3.	iing acknowled	ugement of servi	Ce 110(1)1	<del></del>	, L3Q.,
Military service:	lasked the person sp	ooken to/serve	ed as to whether	defendant was	in active duty in	the military service
df the United St	ates, and received a r	negative reply.	. Defendant wore	e ordinary civilia	an clothes and no	
	ny information is the c		and observations			
	struction Co.	Inc.	_ ,		Molly Virbi SON SERVED	tsky
Signed and Swor	NAME OF CORPORATION  n. hefore me		Refore #		son served ned personally ap	npeared
	September	, 200 I	20,0,0 /	Lafer F	Harris	-
Watnikla 27	April 1,	2002		PROCESS SE	RVER: Out Of State	
Notary	My commiss	ion expires				Robert F. Ha

Robert F. Har

#### UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

#### RETURN OF SERVICE OF PROCESS

Laborers Local Union		0.03
PLAINTIFF No. 158, et al. COU DEFENDANT Virbitsky Construction TYPI		
Company, Inc., et al.	OF PROCESS SUMMONS & COM	brainc
SERVE Thomas Virbitsky	· · · · · · · · · · · · · · · · · · ·	
(Name individual, company; corporation, etc.	to be served)	<del></del> :
AT R. R. #1, Box 83E, Forest C	ity, PA, 18421	
(Show Address)		
SPECIAL INSTRUCTIONS OR OTHER INFORMA	IION REGARDING SERVICE	
CERTIFICATE OF S	BERVICE	
I HEREBY CERTIFY THAT:	****	
xxxxxxI have personally served individual, company		
I have made service by mail as authorized by s corporation above. Appropriate state law authorized in a service by mail as authorized by s		or
If certified mail	was authorized attach green cards to	o this
form.	was authorized, ander grown actus	· • • • • • • • • • • • • • • • • • • •
I have legal evidence of service, described und	er Remarks and attached hereto.	
(Domiciliary service, Substituted service.)		
I am unable to serve the process. (See Remark	(s)	
NAME OF PERSON SERVED: Thomas V:	Lrbitsky	
TITLE (IF ANY) OF PERSON SERVED:  ADDRESS WHERE SERVED:  RR#:		
ADDRESS WHERE SERVED: RR#1	l, Box 83E Forest City, P	A. 18421
DATE AND TIME OF PERSONAL SERVICE:	August 31 2001 8:40AM	<del></del>
DATE AND TIME OF PERSONAL SERVICE:		
REMARKS:		<del> </del>
9/5/2001 _	Robert F. Herris	•
	Signature of Process Server	Robert F Harris
RETURN THE ORIGINAL OF THIS FORM WITH	THE ORIGINAL SUMMONS FOR	

RETURN THE ORIGINAL OF THIS FORM WITH THE ORIGINAL SUMMONS FORM TO:

OFFICE OF THE CLERK OF COURT, U.S. DISTRICT COURT

(Clerk's address in which the assigned judge is located. Refer to the

Notice of Judicial Assignment form.)

### AFF AVIT OF PROCESS SER ER

20010820113249

I. In the matter of	<u>.</u> L	ABORERS LOCAL UNION 15	58
	,	PLANTIFF / PETITIONER VIRBITSKY CONSTRUCTION	
		DEFENDANT / RESPONDENT	
Oocket / Case # 101 CV 0983	served	THO	MAS VIRBITSKY
ith		ONS,COMPLAINT	OF PERSON / ENTITY
1.30.	Ϋ́P	E OF PROCESS	
/ serving		THOMAS VIRBITSKY ON SERVED / ENTITY SERVED	
ccepted by		homas Virbitsky	Self
at home  at place of busines  R.R. #1 BOX 83 E FOREST CITY, PA	s:	SS	TITLE
August 31, 2001		LABORERS LOCAL UNIC	DN 158 / IRA WEINSTOCK Esq.
DATE	TIME	PLAINTII	FF / ATTORNEY
Pursuant to the following condition			
Service was completed in ac	'	•	
☐ Service was completed in acc			
persons / entities because:	ury and good diligent at	tempts, I was unable to e	effect personal service upon the
☐ Unknown at address	☐ Moved, left no for		
☐ Address does not exist☐ Service cancelled	☐ Home, but would	not answer door	
rvice was attempted on:			
DATE	TIME	DATE TIME	DATE TIME
☐ Evading: address confirmed [ ] Neighbor [ ] Landlord [	as place of ☐ abode [	□ business by:	[ 1Other
I completed the above service in		1 Turbio Aes, Co-Mouvei	[ ]Ottlei
Personal Service: by serving	•	or entities the process wit	this true conv. R 4:4-4(s)
☐ By leaving copy/copies v	vith a competent member	er of the household, age	14 or over.
☐ By leaving copy/copies a	it the defendant's place	of business, with a person	on authorized to accept, R 4:4-4(a)(1
Relationship Self A	ge <sup>3</sup> Sex _ <sup>M</sup> Race _	$\frac{W}{}$ Height $\frac{6}{}$ , $\frac{1}{}$ " We	eight 180 lbs. Hair Blonde
☐ Mailed Service: By certified (F	RRR) and ordinary mail	simultaneously to the de	fendant's abode.
□ Certified receipt attache	d 🔲 Ordinary mail not	returned  Acknowle	dgement of delivery attached.
□ By Posting: attaching copies being served.	of the process in a cons	spicuous manner to the a	address of the persons / entities
	/ Proprietorship: by ser	ving a true conv of the pr	rocess to the person named below
In accordance with R 4·4-4/a.	)(6) or R 4:4-4(a)(4).	ving a ride copy of the bi	rocess to the person hamed below
Serving a copy on:			
	nt [] Registered agen	t [] Municipal Clerk [	] Clerk of the board
[] Person in charged of the I [] Person at place of busines BAttomey acknowledgement: b B in accordance with R 1:5-3.	Registered Office of the	corporation [] Secreta	ry of the board
Attorney acknowledgement: b	y obtaining acknowledg	rement of service from	, ESQ.
in accordance with R 1:5-3.			······································
Person at place of busines Attorney acknowledgement: be in accordance with R 1:5-3. Military service: I asked the pofithe United States, and reco	erson spoken to/served	as to whether defendan	t was in active duty in the military ser
The source of my information	aveu a negative reply. I is the conversations ar	perendant wore ordinary ad observations above as	civilian clothes and no military unifor
			oriece.
NAME OF CORPOR	RATION	,	PERSON SERVED
Stened and Sworn hefore me This_5th of September	r , 2001	Before me the und	ersigned personally appeared
<i>1, 1</i> —	il 1, 2002	<u> </u>	TF. HOUSE
Normy rigillo My		PROC	ESS SERVER: Out Of State Robert F.